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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/038,613	01/08/2002	Toru Iwata	60188-137	7765
7590	03/14/2006		EXAMINER	
Jack Q. Lever, Jr. McDERMOTT, WILL & EMERY 600 Thirteenth Street, N.W. Washington, DC 20005-3096			GHULAMALI, QUTBUDDIN	
			ART UNIT	PAPER NUMBER
			2637	

DATE MAILED: 03/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Advisory Action Before the Filing of an Appeal Brief</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/038,613	IWATA ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Qutub Ghulamali	2637

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 21 February 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1.  The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

a)  The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.

b)  The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### NOTICE OF APPEAL

2.  The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

#### AMENDMENTS

3.  The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
- (a)  They raise new issues that would require further consideration and/or search (see NOTE below);
  - (b)  They raise the issue of new matter (see NOTE below);
  - (c)  They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
  - (d)  They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4.  The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5.  Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.

6.  Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7.  For purposes of appeal, the proposed amendment(s): a)  will not be entered, or b)  will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: 10-12.

Claim(s) objected to: \_\_\_\_\_.

Claim(s) rejected: 7-8.

Claim(s) withdrawn from consideration: \_\_\_\_\_.

#### AFFIDAVIT OR OTHER EVIDENCE

8.  The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9.  The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10.  The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

#### REQUEST FOR RECONSIDERATION/OTHER

11.  The request for reconsideration has been considered but does NOT place the application in condition for allowance because:

12.  Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). 4/12/04

13.  Other: See details in the Office Action dated 3/8/2006.

  
**JEAN B. CORRIELUS**  
**PRIMARY EXAMINER**  
*3-9-06*

## **DETAILED ACTION**

1. This Office Action is responsive to the Remarks/Amendments, filed by the applicant on 02/21/2006.

### *Response to Arguments*

2. Applicant's arguments filed 02/21/2006, with respect to rejection of claims 7-8, (pages 5-8) have been fully considered but they are not persuasive.

The applicant alleges that Miyashita does not appear to disclose or suggest a means for controlling a transition characteristic of the data signal according to an output of one of the first and second phase detectors.

The Examiner's response: The examiner most respectfully would like to draw applicant's attention to Miyashita, col. 2, lines 56-67 and col. 3, lines 1-4, 14-26, wherein Miyashita discloses quite clearly that a means for controlling the transition characteristics is provided (meaning the transition edges) via the detectors. In particular Miyashita discloses that in the clock reproduction circuit the frequency error detection circuit detects the frequency difference between the data clock and the VCO clock by detecting the phase of the VCO clock at transition edges of the data signal and by detecting changes in the detected phases, a control is exercised. Miyashita further discloses that frequency error detection circuit includes two or more phase difference detection/hold circuits, each of which detects a phase of the VCO clock at one transition edge, holds the detected phase, and cancels the held value, and two or more comparison circuits, each of which compares the held values of two of the phase difference

detection/hold circuits, and the phase difference detection/hold circuits cyclically and serially detect the phases of the VCO clock at transition edges, and hold the detected phases until the next transition edge; and the comparison circuits cyclically and serially compare the detected phases output from two corresponding phase difference detection/hold circuits col. 3, lines 14-26. This quite clearly indicates a means whereby control of the characteristics of the data signal is provided rendering the applicant's argument that Miyashita does not appear to disclose or suggest a means for controlling a transition characteristic of the data signal according to an output of one of the first and second phase detectors. As per applicant's assertion that Miyashita does not appear to disclose first and second phase detectors, the examiner would respectfully like applicant to reference col. 54, lines 11-30, 64-67; col. 55, lines 1-7; figs. 89, 90, wherein Miyashita discloses two phase detectors perform phase detection on the data signal satisfying the claim requirement of claim 7, for two phase detectors. Based on the disclosure provided in Miyashita the examiner, clearly and firmly believes that applicant's alleged remarks are properly and fully addressed. Therefore, based on the explanation provided herein, the claimed rejection of claims 7-8 is still maintained.

*Allowable Subject Matter*

3. Claims 10-12 allowed.
  
4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Qutub Ghulamali whose telephone number is (571) 272-3014. The examiner can normally be reached on Monday-Friday, 7:00AM - 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jay Patel can be reached on (571) 272-2988. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

QG.  
March 6, 2006.

*Jean B. Corrielus*  
**JEAN B. CORRIELUS**  
**PRIMARY EXAMINER**

3-9-06